IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3741 OF 2006

Mansur Ibnehusan Shaikh .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Rahul Thakur for applicant

Ms.R.M.Gadhavi, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th October 2006.

P.C.

. The applicant had filed an application for bail before the trial court on two occasions. First application was rejected by the trial court on 4th April 2006.

2. Mr.Thakur submits that this was joint application. Thereafter, the applicant before me preferred another application for bail after the investigations were complete and charge sheet was filed. That application is rejected by the First Ad-hoc Additional Sessions Judge, Karad.

3. Mr.Thakur submits that as far as present applicants are concerned, there is no material produced by the prosecution inasmuch as the drug was not administered by these accused. That was administered by one Sarfaraz. Similarly, as far these applicants are concerned, there is no recovery of stolen articles at their instance. They are still languishing in jail despite this position for the last seven months.

4. To this application all that is annexed is copy of the order of learned Additional Sessions Judge. Even the F.I.R. is not produced

except during the course of arguments. In such circumstances and giving liberty to the applicants to apply to the trial court afresh, this application is disposed of.

5. It is needless to clarify that the trial court shall consider the application preferred by the applicants without being influenced by the earlier orders so also disposal of this application. The trial court to consider in addition to the role of applicants, all relevant facts and circumstances and should not be be influenced by the fact that the applicants are not local residents. Application disposed of with liberty as such.

(S.C.Dharmadhikari, J)